

REMARKS

This application has been reviewed in light of the Office Action dated June 6, 2005. Claims 1-7 are pending. Favorable reconsideration is requested.

Applicants note with appreciation the allowance of Claims 1-7.

The Examiner has objected to Claims 1-7 for supposedly having improper claim numbers. In particular, the Examiner objects to the use of brackets to delineate the claim numbers, because brackets are used to indicate the deletion of text in an amendment, under 37 C.F.R. § 1.121.¹

As an initial matter, Applicants note that 37 C.F.R. § 1.121 applies to the "manner of making amendments in applications," not the originally-filed specification. It is therefore respectfully submitted that application of this rule is inappropriate.

Moreover, Applicants respectfully traverse this objection, because the use brackets around the claim numbers arises from the U.S.P.T.O. electronic filing software and is in fact proper for electronically-filed applications. This is the case for both the PASAT authoring tool, which has been in use for several years, and the new EFS-ABX tool. For the Examiner's convenience, Applicants present the following excerpts from the U.S.P.T.O. document entitled: "Electronic Filing System EFS-ABX User Guide Fall 2004" relating to the use of brackets around claim numbers. This document may be found at: <http://www.uspto.gov/ebs/efs/downloads/documents/abxguide.pdf>.

¹ In the Office Action, the Examiner cites 37 C.F.R. § 1.126, which requires the original numbering of the claims to be maintained throughout prosecution. This rule does not mention the use of brackets, so Applicants assume that the Examiner intended to cite 37 C.F.R. § 1.121.

1.5 EFS-ABX Document Display

Launch EFS-ABX by double-clicking the EFS-ABX shortcut icon on the desktop.

Upon launching the EFS-ABX template within the Microsoft Word® environment, the minimum sections required for filing are already included for processing. The section headings (**title of invention**, **description**, **what is claimed is**, and **abstract**) are provided as a visual aid for navigation. These headings indicate the boundaries of sections in the document. The text in these headings will be provided in the final document. Do not attempt to edit the section heading text as this will result in an error being generated when saving the document or exporting the document.

The bracketed paragraph and claim numbers will be shown in the final document, as they will reflect the paragraph and claim numbering. To provide subsection headings in the description section, use the **Insert Heading** option from the **DESCRIPTION** menu.

EFS-ABX User Guide, pg. 8 (emphasis in original).

4.1.6.1 Claim

Text Formatting: **Bold**, ***Italic***, **Subscript**,

Scope: Contains all application body objects till the next Claim or ABSTRACT Section label.

Must contain: At least one Microsoft® Word paragraph or one of the application body objects listed below. Each claim must end in a period. Application body Claim (<claim><claim-text>) can contain only the following elements:

Image (), Table (<tables>).

Claim Numbering: Claims are numbered. Each Word paragraph formatted as a claim has a number in following format: [Claim N], where N is the number of the claim. EFS-ABX provides automatic application body claim numbering.

EFS-ABX User Guide, pg. 42 (emphasis in original).

In addition, Applicants note that the claims have been reproduced without brackets in the published application, U.S. 2004/0232225 A1.

Nevertheless, the claims have been reproduced above without brackets around the claim numbers. The claims have been marked "original," because, in

Applicants' view, this reformatting of the claim numbers does not constitute an amendment to the claims.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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